

REMARKS

I. INTRODUCTION

Claims 16-39 had been previously cancelled. No new matter has been added. Thus, claims 1-15 and 40-60 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-15, 40, 41 and 43-60 stand rejected under 35 U.S.C. § 103(a) as being anticipated by “Linkers and Loaders, Chapter 6” by John Levine (hereinafter “Levine”) in view of prior art of record “Tool Interface Standard (TIS) Portable Formats Specification, Version 1.1, TIS Committee, Oct. 1993. (hereinafter “TIS”) (See *11/06/2012 Non-Final Office Action*, p. 3, ¶ 6).

Claim 1 recites, “[a] computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to: receive a software module, the software module including references to locations within the software module, at least some of the references being backward references; and reorder components of the software module into a predetermined order to remove at least some of the backward references, wherein each of the components includes one of a plurality of section types and ***the reordering of the components is based on the section type for each of the components***, wherein the components further include at least one of a header, a section, and a table, wherein the reordered software module includes the at least some of the backward references, and wherein the at least some of the backward references in the reordered software module are stored in a memory to avoid a nonsequential reading of the reordered software module.” (Emphasis added).

The Examiner correctly acknowledges that the Levine reference fails to disclose, “wherein each of the components includes one of a plurality of section types and the reordering of the components is based on the section type for each of the components,” as recited in claim 1.

To cure the deficiencies of the Levine reference, the Examiner asserts that, “TIS teaches the format for ELF libraries as including an indication of a section types.” (See *Id.*, citing TIS, pp. 1-9 and 1-10; and figs. 1-9, 1-10 and 1-14). The Examiner goes on to contend that, “[i]n order to conform to the standardized ELF format, any section ordering would need to be ‘based on’ a section type, since this is necessary information in a section as taught by TIS.” (See *Id.*). Applicant respectfully disagrees with the Examiner’s contention and fails to find any support within the TIS document whatsoever that teaches the reordering of components based on section types. In fact, the TIS document explicitly states:

Although the figure shows the program header table immediately after the ELF header, and the section header table following the sections, actual files may differ. Moreover, **sections and segments have no specified order**. Only the ELF header has a fixed position in the file.

(See TIS, p. 1-2, lines 6-8). (Emphasis added).

Accordingly, as noted in the TIS document, there is no order to the sections and segments of a file. Contrary to the Examiner’s contention, section ordering in the TIS document is **not** based on a section type. While the TIS document describes the use of section types, the TIS document fails to teach or suggest **any** ordering of the sections or segments. Accordingly, similar to the Levine reference, the TIS document fails to teach or suggest, “the reordering of the components is based on the section type for each of the components, “ as recited in claim 1. Furthermore, Applicant respectfully submits that, as identified in the Specification, the conventional loading and linking procedure described in the cited TIS document requires the ability to access the software module (e.g., object file) nonsequentially. (See *Specification*, p. 1, ¶ [0003]). It is respectfully submitted that the linking and loading described in the TIS document would not be possible wherein at least some backward references in a reordered software module are stored in a memory **to avoid a nonsequential reading of the reordered software module**,” as recited in claim 1. Therefore, regardless of the TIS document teachings of sections types, it would not be possible the convention linking and loading of TIS to perform any portion of the reordering step recited in claim 1. Thus, Applicant respectfully submit that neither the Levine reference nor the TIS document, alone or in combination, teach or suggest each of the features recited in claim 1. Accordingly, this rejection should be reversed. Because claims 2-8 depend

from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 9 recites “[a] system, comprising: a memory storing a reorder module configured to receive a software module including references to locations within the software module, at least some of the references being backward references, the reorder module configured to reorder components of the software module into a predetermined order to remove at least some of the backward references, wherein each of the components includes one of a plurality of section types and *the reordering of the components is based on the section type for each of the components*, the components further including at least one of at least one of a header, a section, and a table; and a processor executing the reorder module, wherein the reordered software module includes the at least some of the backward references, and wherein the at least some of the backward references in the reordered software module are stored in a memory to avoid a nonsequential reading of the reordered software module.” (Emphasis added).

Applicant respectfully submits that neither Levine nor TIS, alone or in combination, teach or suggest, “the reordering of the components is based on the section type for each of the components,” as recited in claim 9, for at least the reasons discussed above with reference to claim 1. Accordingly, this rejection should be reversed. Because claims 10-15 depend from, and, therefore, include all of the limitations of claim 9, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 55 recites “[a] computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to: receive a software module, the software module including components arranged in a first order, wherein each of the components includes one of a plurality of section types and a first one of the components including a reference to a location in a second one of the components, the second one of the components preceding the first one of the components in the first order; and arrange the components into a predetermined second order to produce a reordered software module so that the second one of the components is subsequent to the first one of the components in the second order, wherein *the arrangement is based on the section type for each of the first and second ones of the*

components, wherein the components further include at least one of a header, a section, and a table, wherein the reordered software module includes at least one reference from a third component to a preceding component, and wherein the at least one reference from the third component is stored in a memory to avoid a nonsequential reading of the reordered software module.” (Emphasis added).

Applicant respectfully submits that neither Levine nor TIS, alone or in combination, teach or suggest, “set of instructions operable to... arrange the components into a predetermined second order to produce a reordered software module so that the second one of the components is subsequent to the first one of the components in the second order, wherein the arrangement is based on the section type for each of the first and second ones of the components,” as recited in claim 55, for at least the reasons discussed above with reference to claim 1. Accordingly, this rejection should be reversed. Because claims 56-60 depend from, and, therefore, include all of the limitations of claim 55, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine and TIS in further view of U.S Patent No. 6,185,733 to Breslau et al. (hereinafter “Breslau”). (See *11/06/2012 Non-Final Office Action*, p. 12, ¶ 7).

Applicant submits that Breslau does not cure the above-described deficiency of Levine in view of TIS with respect to claim 1. Therefore, Applicant submits that claim 1 is patentable over Levine in view of TIS in further view of Breslau. Because claim 42 depends from, and therefore includes all the limitations of claim 1, it is respectfully submitted that this claim is also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

By: 
Michael J. Marcin (Reg. No. 48,198)

Dated: February 6, 2013

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276